

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

HUGH O'REILLY,

Case No. 18-23650
Chapter 7

Debtor.

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**AFFIRMATION IN SUPPORT OF NOTICE OF PRESENTMENT TO AVOID
JUDICIAL LIENS**

ROBERT S. LEWIS, ESQ. an attorney duly licensed to practice law in the State of New York and in the United States Bankruptcy Court, being mindful of the penalties of perjury, affirms and states as follows:

1. I am the attorney for the debtor herein, Hugh O'Reilly (the "Debtor") and as such I am fully familiar with the facts and circumstances of this matter through conversations with my client, and a review of the file maintained by my office in this matter.

2. I make this Affirmation in support of the within Motion to Avoid Lien under 522(f) (1) (a) or (b).

3. The debtor filed his petition for relief under Chapter 7 of the Bankruptcy Code (the "Code") on October 24, 2018.

4. The debtor owns a property located at 350 Blauvelt Road Blauvelt, New York 10913 and has multiple judicial liens on this property as follows:

a. Town and Country with a lien in the amount of \$3,658.12, which was filed with the Rockland County Clerk's Office on August 10, 2010, annexed hereto as Exhibit "A".

- b. Beckerle Lumber Supply, Inc., with a lien in the amount of \$19,976.20, which was filed with the Rockland County Clerk's Office on February 2, 2011, annexed hereto as Exhibit "B"
- c. Midland Funding, LLC., with a lien in the amount of \$6,023.35, which was filed with the Rockland County Clerk's Office on March 30, 2011, annexed hereto as Exhibit "C"
- d. Midland Funding, LLC., with a lien in the amount of \$6,209.71, which was filed with the Rockland County Clerk's Office on March 23, 2011, annexed hereto as Exhibit "D"
- e. Unifund CCR Partners., with a lien in the amount of \$7,602.62, which was filed with the Rockland County Clerk's Office on May 7, 2012, annexed hereto as Exhibit "E"
- f. Cavalry SPV I LLC with a lien in the amount of \$2,784.03, which was filed with the Rockland County Clerk's Office on May 28, 2015, annexed hereto as Exhibit "F"
- g. Altman, Susan C. with a lien in the amount of \$34,660.81, which was filed with the Rockland County Clerk's Office on August 23, 2018, annexed hereto as Exhibit "G"

5. The Appraisal Value on the property is \$475,000.00, as annexed hereto Exhibit "H".

6. JP Morgan Chase Bank, N.A. holds the sole mortgage on the property with a principle balance of approximately \$300,850.47, which is indicated on the Mortgage Interest Statement as annexed hereto Exhibit "I".

7. The debtor is entitled to a Homestead Exemption of \$170,825.00.

8. The Judicial Liens held by Town and Country, Beckerle Lumber Supply, Inc., Midland Funding, LLC., Unifund CCR Partners., Cavalry SPV I LLC, and Altman,

Susan C., impairs the debtors Homestead Exemption, and reduces the equity in the property, which is otherwise exempt under 11 U.S.C § 522(f).

WHEREFORE, based upon the foregoing, the debtor respectfully requests that the within motion be granted pursuant to 11 U.S.C 522(f) (1)(b) of the Code on the ground that such lien impairs an exemption to which the debtor is entitled, together with such other and further relief as this Court deem just and proper.

Dated: Nyack, New York
February 19, 2019

/s/ Robert S. Lewis, Esq.

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